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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,241	07/31/2000	Maury E. Collett II	CLT-100	3877

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/629,241

Applicant(s)

COLLETT, MAURY E.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-16 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-16 and 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the fourth office action for application number 09/629,241, Wiring Clip for Securing Electrical Wiring to a Framing Member, filed on July 31, 2000. Claims 14-16 and 18-31 are pending.

#### ***Claim Objections***

Claim 14 is objected to because of the following informalities: on line 10, "areas" should be --area--. Appropriate correction is required.

Claim 24 is objected to because of the following informalities: on line 2, "via a" should be --via the--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 28 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 28 and 29, the method steps of claim 14 read on Figures 1-5 only. Specifically, the method step recited in subsection "c" of claim 14 is only taught regarding the embodiment of the aforementioned figures. The method steps recited in

claims 28 and 29 contradict the step of positioning the wiring within the wire receiving area by moving the wiring clip over the metal framing member.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 14-16, 18-20, and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,463,189 to Deneke et al. (Deneke) in view of U.S. Patent 2,109,213 to Fearing in view of U.S. Patent 5,141,185 to Rumbold et al (Rumbold) and further in view of U.S. Patent 4,538,782 to Kirschenbaum. Regarding claims 14-16, 18-20, 24-27, 28 (as best understood), 29 (as best understood), 30, and 31, Deneke teaches a method for securing electrical wiring to a framing member having a face and two sides comprising: positioning the electrical wiring (12) parallel to the length of the framing member (14) and centrally locating the wiring on the face thereof; and securing the electrical wiring to the framing member by receiving the electrical wiring within a wire receiving area (see Fig. 1) of a securing member (15) and fastening the securing member to the framing member. Deneke does not teach the securing member being a wiring clip including a main body with a wire receiving area and first and second arms, and the method for securing including attachment of the wiring clip over the electrical wiring. Fearing discloses a method of securing electrical wiring to a support having a face comprising: positioning wiring (6) on the support (7); attaching a first arm (1) of a spring steel wiring clip (Fig. 7) to a first side of the support via a first

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attachment means (2); and moving the wiring clip over the support such that the wiring is positioned within a wire receiving area (within 3 generally) and positioned on the face of the support (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the wiring clip for the securing member (15) because one would have been motivated to provide a securing member that is efficient in operation and easy to apply as taught by Fearing (right column, lines 19-25). Deneke in view of Fearing does not teach the framing member being metal. Rumbold teaches a method of securing electrical wiring to a two by four metal framing member comprising: positioning the wiring (39) parallel to the length of the framing member (see Fig. 1) and centrally positioning the wiring on the face of the framing member, wherein the wiring is located 1 ¼ inches from the first and second sides of the framing member; and securing a first arm of a wiring clip (40) to the metal framing member by screws (150, 151), wherein the first arm is thin enough not to interfere with attachment of drywall. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first leg of the wiring clip to be thin and penetrated by fastening screws because one would have been motivated to permit attachment of the wiring clip to metal studs without interfering with the installation of drywall as taught by Rumbold (col. 8, lines 14-22). Deneke in view of Fearing in view of Rumbold does not teach the wiring clip including a second leg with a second attachment means. Kirschenbaum discloses a plastic wiring clip (10) attached to a framing member (11) comprising: a main body (15 generally) with a wire receiving area (22, 23), a first arm (35) having a J-hook (36 generally) attached to a first side (13) of the framing

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member, and a second arm having a bend (adjacent 34) slipped around a second side (12) of the framing member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the wiring clip to be formed of plastic and to substitute the first and second arms for the arm (1) and locate the first and second arms so as to be oppositely disposed about the wire receiving area because one would have been motivated to permit slidable and secure attachment of the wiring clip to generally U-shaped framing members (such as the metal framing member shown in Fig. 12 of Rumbold) as taught by Kirschenbaum.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deneke in view of Fearing in view of Rumbold in view of Kirschenbaum, and further in view of U.S. Patent 3,508,730 to Knezo, Jr. (Knezo). Deneke in view of Fearing in view of Rumbold in view of Kirschenbaum discloses the method of securing electrical wiring to a metal framing member with a wiring clip as applied above, but does not teach the step of compressing the wiring within the wire receiving area. Knezo discloses a wiring clip (21 - Fig. 5) comprising: a main body (22); a wire receiving area (the space located under 22) adjacent the main body; first and second arms (23/24; 25) each having respective first and second attachment means; and a substantially resilient, rubber wire compression member (29) located within the wire receiving area; wherein the wiring is compressed within the wire receiving area by the compression member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the wiring clip to include a resilient, rubber wire compression member within the wire receiving area because one would have been motivated to provide a

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means for bearing pressure against the wiring to securely hold it against supporting member (i.e. framing member) as taught by Knezo (col. 5, lines 29-35).

### ***Response to Arguments***

Applicant's arguments (and amendment to claim 14), see pages 7-8, filed 4/24/03, with respect to the rejection(s) of claims 14 and 18-20 under Reimer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Deneke, Fearing, Rumbold, and Kirschenbaum.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 3,036,801 to Cemashko; 5,067,677 to Miceli; 5,127,577 to Lynch, Jr. et al; D333,255, D333,256, D333,257, D334,134, and 5,188,318 to Newcomer et al; 5,173,176 to Hunt; D474,104 to Spruill


The above references disclose wiring clips relevant to the present invention.

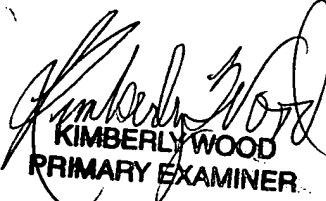
Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
7/11/03

  
KIMBERLY WOOD  
PRIMARY EXAMINER